IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 46/2006

CHANDAN SINGH Vs. BALLO & ORS.

DATE: 28.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Amit Sharma for
Mr. J.P. Goyal for the complainant-petitioner.
Mr. Ashwini Sharma, Public Prosecutor for the State.

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The instant criminal revision petition under Section 397 r/w section 401 Cr.P.C. is preferred by the complainant-petitioner against the order dated 25.11.2005 passed by the Additional Sessions Judge No.2, Bharatpur in Criminal Revision No. 39/2004 reversing the order dated 12.07.2004 passed by the Additional Chief Judicial Magistrate No.2, Bharatpur in Criminal Case No. 182/2004 arising out of FIR No. 110/96 registered at P.S. Chiksana, whereby cognizance for the offence under Section 379, 427 IPC was taken against the accused-respondents.

Having heard learned counsel for the petitioner, learned Public Prosecutor for the State and upon careful perusal of the order dated 25.11.2005 passed by the Revisional Court as well as the order dated 12.07.2004 passed by the trial Court, I find

illegality and error apparent on the face of the record and it is fit case to interfere with the impugned order dated 25.11.2005 passed by the Revisional Court while exercising revisionary powers as the reasons stated by the Revisional Court for setting aside the cognizance order dated 12.07.2004 passed by the Additional Chief Judicial Magistrate No.2, Bharatpur, are per se appears to be contrary to the record and the evidence recorded.

Therefore, in the interest of justice, I deem it proper to quash and set-aside the order impugned dated 25.11.2005 and remand the matter back to the Revisional Court for fresh adjudication with the direction that after proper appreciation of the evidence and after giving opportunity of being heard to the parties, shall pass fresh order in accordance with the provisions of law.

With these observations, the revision petition stands disposed.

(K.S. RATHORE),J.

/KKC/